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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,480	03/23/2004	Claudio Filippone		1700

7590 12/11/2007  
CLAUDIO FILIPPONE  
8708 48TH PLACE  
COLLEGE PARK, MD 20740

EXAMINER
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NGUYEN, HOANG M

ART UNIT	PAPER NUMBER
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3748

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/806,480

Applicant(s)

FILIPPONE, CLAUDIO

Examiner

Hoang M. Nguyen

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3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 38-46, 49-56, 58 and 62-67 is/are pending in the application.
- 4a) Of the above claim(s) 62-67 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-46, 49, 50, 54-56 and 58 is/are allowed.
- 6) ☒ Claim(s) 51-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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Applicant's amendment dated November 07, 2007, has been fully considered.

Applicant added new claims 62-67, which lead to a restriction requirement.

Claims 38-46, 49-50, 54-56, 58, are allowed. Claims 51-53 are rejected because Applicant did not amend the claims to include the allowable subject matter as agreed in the personal interview.

Newly submitted claims 62-67 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: New claims 62-67 recite subject matter which are patentably distinct from the currently examined invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 62-67 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-53, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4590766 (Striebich) in view of U.S. 5327987 (Abdelmalek) and US 4235077 (Bryant). Striebich discloses an auxiliary power unit for an ICE 1, said auxiliary unit being a waste heat turbine unit 3 being driven by the waste heat from the ICE, gearing mechanism are provided at 9, 10, between the crankshaft 8 and the waste heat turbine. Said waste heat turbine comprising a steam turbine 12 and a condenser having a condensing chamber 13, expander wheel 49 and nozzles 52; on column 4, lines 51-55, Striebich discloses that the gearing 9, 10, may include a free wheel clutch. Regarding the condensed chamber, please note chamber 61 in the primary reference, Striebich, has condensate and can be considered as condensed chamber. Note column 4, lines 6-9, chamber 61 is called a condenser. Striebich does not disclose 1) the turbine drives an electric generator, and 2) a control unit for controlling the engagement of the clutch in response to the speeds of the auxiliary unit and the engine, and 3) a flywheel for the waste heat turbine in the housing. Abdelmalek is relied upon to disclose 1) a waste heat expander drives an electric generator 109, and 2) it's well known to have a controller 117 in a hybrid engine to control the clutch 101a, 102a, in response to the speeds of an auxiliary unit (electric motor 102) and the main engine (vehicle speed) (note column 6, lines 10-60). Bryant discloses it's well known to have a flywheel 113 to connect with a drive shaft of a steam turbine inside a housing (note figure 4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to 1) use the turbine in Striebich to drive an electric generator as taught by Abdelmalek for the purpose of generating electricity, and 2) to replace said free wheel

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clutch of Striebich by the clutch with a control unit as taught by Abdelmalek for the purpose of more effectively controlling the engagement of the clutch, and 3) to provide a flywheel in Striebich as taught by Bryant for the purpose of storing energy.

Claims 38-46, 49-50, 54-56, 58, are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/30/07

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
11/30/2007